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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JONATHAN JOSEPH NELSON, ET AL,

17 Defendants.
18

) NO. CR 17-00533 EMC
)
)

) ~~PROPOSED~~ ORDER EXCLUDING TIME
) FROM MAY 28, 2019 TO JULY 31, 2019
)

19 On May 28, 2019, defendants Jonathan Joseph Nelson, Raymond Michael Foakes, Russell Allen
20 Lyles, Jr., Jeremy Daniel Greer, Brian Wayne Wendt, Russell Taylor Ott, Damien David Cesena, Brian
21 Allen Burke, David Salvatore Diaz, III, and plaintiff United States of America appeared before the Court
22 for a status. Defendant Christopher Ranieri's and Merle Frederick Hefferman's presence was waived,
23 but their counsel appeared. The parties discussed the status of discovery, defendant Wendt's motion to
24 set a trial date and other defendants' opposition to that motion, and defendants' filed and potential
25 motions. The Court set a further status for July 31, 2019 at 10:00 a.m. to discuss the status of discovery,
26 the scheduling of motions, the status of the government's determination regarding the death penalty, and
27 a potential trial setting conference.

28 Based on the representations of counsel and for good cause shown at the May 28, 2019 status

~~PROPOSED~~ ORDER EXCLUDING TIME
Case No. CR 17-00533 EMC

v. 7/10/2018

1 hearing, the Court finds that time is excludable between May 28, 2019 and July 31, 2019, pursuant to 18
2 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), on the basis that the ends of justice served by the continuance
3 outweigh the best interests of the public and defendants in a speedy trial, and because failure to grant a
4 continuance would deny defendants' counsel the reasonable time necessary for effective preparation,
5 taking into account the exercise of due diligence. The Court also finds that the case is complex based on
6 the number of defendants and the nature of the prosecution, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii).

7 Therefore, **IT IS HEREBY ORDERED** that the time between May 28, 2019 and July 31, 2019
8 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

9
10 DATED: June 6, 2019



HON. EDWARD M. CHEN
United States District Judge